



# Mayor & Council of Berlin

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## Mayor

Wm. Gee Williams, III

## Vice President

Elroy Brittingham, Sr.

## Council Members

Dean Burrell, Sr.

Lisa Hall

Paula Lynch

Troy Purnell

## Town Attorney

David Gaskill

## Town Administrator

Anthony J. Carson, Jr.

## Town of Berlin Work Session

Possible Code Revisions: Property Maintenance/Rental Inspection Program

August 29, 2011

## Berlin Town Hall Chambers

1. Additions/Amendments to Agenda
2. Presentation and review of Draft Ordinance
3. Comments and Suggestions from Mayor and Council
4. Public Comments
5. Recommended action items from Staff
6. Adjournment

BERLIN MAYOR AND COUNCIL  
PROPERTY MAINTENANCE/RENTAL INSPECTION PROGRAM  
WORKSESSION MINUTES  
AUGUST 15, 2011

The Property Maintenance/Rental Inspection Program Work session of the Berlin Mayor and Council was called to order by Mayor Williams at 6:05 p.m. In attendance were Councilmembers Elroy Brittingham, Dean Burrell, Paula Lynch, Lisa Hall and Troy Purnell. Also in attendance were Town Administrator Tony Carson, Planning and Zoning Director Chuck Ward, Town Attorney David Gaskill and Administrative Assistant Sharon Timmons. Mark Tilghman, Attorney for the Planning and Zoning Commission was absent.

The purpose of the Work session was to discuss property maintenance and rental issues. Mayor Williams asked Planning and Zoning Director Chuck Ward to explain draft Ordinance 2011-06. Mr. Ward stated that the intent was to provide more teeth in the enforcement of the code regarding negligent property owners whom are renting properties in the town limits. Mr. Ward stated that a rental licensing program would provide incentives to the property owners to maintain their properties to the current code or risk having their license revoked which would not allow them to rent to tenants. Discussion continued regarding registration of properties. Councilmember Hall recommended that the Ordinance be revised to state that each property be required to have a rental license. Currently the rental license fee is \$10.00 per unit. Discussion continued regarding the inspection rights of the Town. Mr. Gaskill stated that a condition of receiving a license would be to allow the Town to inspect the property.

Town Attorney David Gaskill recommended that Section E-1, Inspections, be revised to omit "upon recommendation by a Federal, State, County or Town agency" from the paragraph. Mr. Gaskill stated that Mr. Mark Tilghman had suggested clarification in Paragraph C that the Town was not dealing with corporations or LLC's, but with the principles or individuals who own the corporations and that the license should be in the name of that person or persons. Discussion followed. Town Administrator Tony Carson recommended that the application include a section which contains a contact name and specifies in what capacity they are signing and who they are representing. Mr. Gaskill recommended that in each lease there should also be a condition that the tenant consents to an inspection as well. Discussion continued. Mr. Gaskill also recommended that a clause be inserted into the application that refusal by the tenant or owner to enter the premise for inspection may allow for revocation of the license. Discussion continued. Mr. Ward recommended that the language in Section E-1, Inspections, be revised to omit "exists the belief" and insert "where there is evidence".

Councilmember Hall inquired if the Town would be able to address the issues of driveways and parking. Discussion continued. Town resident Danny Moore asked what the Town could do if the property owner refuses to maintain their driveway or lawn. Discussion continued.

Mr. Ward stated that the draft ordinance does not differentiate between the interior or exterior of properties regarding inspections and licensing. The proposed ordinance would secure the building official's right to enter either the interior or exterior of the property. Discussion continued regarding steps taken once a license is revoked. Cam Bunting inquired if the registration would be amended to a single license and Mr. Ward stated that it would with consensus of the Mayor and Council. The council agreed in consensus to change to a single license per rental unit.

Discussion began on the issue of inoperable vehicles. Mr. Carson inquired if Mr. Ward and/or Council could amend the maintenance language of the code to include towing for inoperable vehicles. Mr. Ward stated that the Town could amend the International Building Code to allow for towing of a vehicle that is not in compliance or add the word "inoperable" to Chapter 99 of the Town Code which would allow towing rather than fining. Council agreed to amend Chapter 99 of the Code to insert the word "inoperable" regarding vehicles.

Mr. Gaskill recommended that Section E-2, Inspections, be amended to read "If an inspection indicates that a rental housing unit is not in compliance with all applicable regulations and codes, the rental license pertaining for that particular unit may be subject to revocation". Discussion continued.

Mayor Williams stated that the revised Ordinance will be introduced at the council meeting to be held on August 22<sup>nd</sup> with the public hearing to be held on September 12<sup>th</sup>. He asked the council to recommend to him persons to serve on the Housing Board of Review. Those persons must be a resident of the town. If a rental property owner is appointed, that person may have to step down if the issue affected them personally.

Councilmember Purnell asked Mr. Ward if the time limit or height allowed for grass cutting should be shortened. The International Maintenance code currently states 10 inches, but the Mayor and Council can amend. Mayor Williams asked Mr. Ward to come back to the council with options regarding lawn maintenance. The options should show current standards, a more stringent standard and then the most stringent standard. Councilmember Burrell asked to have a shortened time limit after the initial notice is implemented.

Councilmember Lynch inquired about Section D, Registration. Discussion followed. Consensus of council was to remove the word "owned by the licensee".

Discussion continued regarding charges to property owners for grass cutting. Mr. Carson explained.

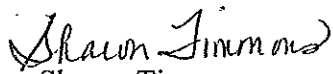
Mayor Williams asked Mr. Ward if there was any way to incorporate the new rental licensing prior to July 1<sup>st</sup> of next year and if so to incorporate it into the revised Ordinance. Mr. Gaskill stated that once the ordinance is signed, it goes into effect immediately. Mayor Williams asked Mr. Ward to have the new rental application ready to present along with the revised Ordinance 2011-06.

Councilmember Lynch inquired when discussion would occur on vacant and boarded up houses. Council decided to discuss this matter at the next worksession to be held on Monday, August 29<sup>th</sup> at 6:00 p.m.

Tony Russo from the Bayside Gazette inquired if a new fee had to be paid this year for the new rental license if the business license had already been paid. Council stated no, but next year the business license and the rental license would be two separate items with two separate charges.

Mayor Williams closed the Worksession at 7:40 p.m.

Respectfully submitted,

  
Sharon Timmons  
Administrative Assistant

**DRAFT**  
ORDINANCE 2011-09

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN  
OF BERLIN, A MARYLAND MUNICIPAL CORPORATION,  
AMENDING CHAPTER 80, PROPERTY MAINTENANCE,

WHEREAS The Mayor and Council of Berlin have determined that vacant structures and boarded properties are often undesirable in the community, and

WHEREAS The Mayor and Council of Berlin desire to encourage the occupation and utilization of all properties to their highest and best use,

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the Town of Berlin that Chapter 80 be amended as follows:

§ 80-3. Vacant Buildings.

A. Definitions.

BOARDED BUILDING - Any vacant structure or any structure in which any door, window or other opening has been covered by plywood or other material with the intention of preventing entrance and/or damage to the property.

VACANT BUILDING - Any unoccupied or illegally occupied structure.

B. Purpose.

To protect the public health, safety, and general welfare of the citizens of the Town of Berlin. The Mayor and Council have determined that vacant buildings are a major cause of blight and attract vagrants and criminal activity in both residential and non-residential neighborhoods. This section is intended to assist in maintaining a high standard of living within the Town of Berlin.

C. Registration.

(1) Applicability. This section is applicable to all structures that are vacant and/or boarded without exception.

(2) Process.

- (a) All vacant and boarded buildings shall be registered with the Town of Berlin through the Planning and Zoning Department.
- (b) All vacant buildings shall be registered within no more than ninety (90) consecutive days of vacancy. Any structure that is boarded shall be registered with the Department of Planning and Zoning within 30 days of the date the structure was boarded.
- (c) If an unregistered property is found to be vacant and/or boarded the property owner shall be notified in writing that the requirements in (b) above must be satisfied. The Zoning Inspector shall establish the deadlines

referenced in (b) above based on the date the property was found to be vacant and/or boarded.

(d) Registry shall include the following information:

1. Property owner's name and current mailing addresses;
2. Address of subject property;
3. A plan of rehabilitation for the property;
4. An estimated date of completion to be approved by the Planning and Zoning Department;
5. All applicable permits.

(e) Registration fee shall be \$100.00 or as may be amended by the Mayor and Council from time to time.

D. Permits. All registered vacant and boarded buildings shall be subject to an active building permit or an approved plan of rehabilitation to address the repair and rehabilitation of the property. The property shall be also subject to any other applicable Federal, State or County permits.

E. Maintenance.

- (1) All landscaping and exterior areas shall be maintained in good condition pursuant Chapters 36 and 60 of Town Code and all provisions of this Chapter.
- (2) The exterior of the dwelling shall be maintained pursuant to Chapter 60 of Town Code with the exception of any activity conducted as part of the approved plan of rehabilitation and/or building permit.
- (3) All rubbish and garbage as defined by the International Property Maintenance Code shall be removed from the property on a weekly basis.
- (4) The building and its maintenance shall comply with any other applicable codes and regulations.

F. Violations. Any person who shall violate a provision of this chapter shall be guilty of a municipal infraction and shall be fined the sum of \$100 for any single initial violation and the sum of \$200 for each repeat or continuing violation.